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SEP 15 2005

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DATE: *September 15, 2005*

TO: Art Unit 1638 - MAIL STOP AMENDMENT

COMPANY: USPTO

PHONE:

FAX: 571-273-8300

FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): *11*

Please file the attached **SECOND PRELIMINARY AMENDMENT** for the following:

APPLICANTS : **HOFFBECK, Mark David**
SERIAL NO : 10/785,492
FILED : February 24, 2004
TITLE : **INBRED MAIZE LINE PH70R**

Grp./A.U. : 1638
Examiner :
Conf. No. : 1322
Docket No. : P06316US02 - PHI 1434C

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SECOND PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Second Preliminary Amendment be entered and made of record in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.115. Applicant respectfully requests reconsideration.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

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☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date: 9-15-2005
LILA A. T. AKKRAD

Introductory Comments

Claims 1-12 are pending in the present application.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 9 of this paper.